

ADMINISTRATIVE AGENDA

January 26, 2011

Chief Justice Update

Approval of the Minutes

May 26, 2010 (Opinions/CRs)
June 3, 2010 (Opinions/CRs)
September 22, 2010 (Opinions/CRs)
October 27, 2010 (Opinions/CRs)
November 17, 2010 (Opinions/CRs)
November 24, 2010 (Opinions/CRs)

Public Hearing Items from 01/26/11

1. 2002-24 **Subject:** Proposed Amendment of Rule 7.3 of the Michigan Rules of Professional Conduct.
Issue: *Whether to adopt the proposed amendment of MRPC 7.3(c) that would require a lawyer seeking professional employment from a prospective client to designate the writing as an advertisement by prominently displaying the words "Advertising Material" on the outside envelope (or brochure, pamphlet, or postcard) and at the beginning and end of every written, recorded, or electronic communication.*
Status: Awaiting conference consideration following the Court's 1/26/11 public hearing.
2. 2008-12 **Subject:** Proposed Amendment of Rule 2.002 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendment of MCR 2.002, which would clarify that a court may deny a party's indigency status if the action is found to be frivolous or malicious.*
Status: Awaiting conference consideration following the Court's 1/26/11 public hearing.
3. 2009-22 **Subject:** Proposed Amendments of Rules 7.212 and 7.215 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendments of MCR 7.212 and MCR 7.215 as submitted by the State Bar of Michigan Appellate Practice Section, which would eliminate*

the current requirement to provide a copy of an unpublished Court of Appeals decision if that decision was issued after July 1, 1996, and a case number is provided.

Status: Awaiting conference consideration following the Court's 1/26/11 public hearing.

4. 2010-16

Subject: Proposed Amendments of Rules 6.302 and 6.610 of the Michigan Court Rules.

Issue: *Whether to adopt one of the two alternative proposals that was published for comment as a result of the United States Supreme Court's decision in Padilla v Kentucky, 559 US ___, 130 S Ct 1473; 176 L Ed 2d 284 (2010). Alternative A would require a judge to ask a noncitizen defendant and the defendant's lawyer whether they have discussed a possible risk of deportation as a consequence of a guilty plea.*

Alternative B would require a judge to provide general advice to a defendant that a guilty plea by a noncitizen may result in immigration consequences.

Status: Awaiting conference consideration following the Court's 1/26/11 public hearing.

5. 2010-18

Subject: Proposed Amendment of Rule 6.1 of the Michigan Rules of Professional Conduct.

Issue: *Whether to adopt one of the two alternative proposals published for comment. Alternative A would retain the existing pro bono language, but would clarify that a lawyer would not be subject to disciplinary action or any other disciplinary process to enforce the lawyer's voluntary responsibility to provide pro bono services. Alternative B was submitted by the State Bar of Michigan's Representative Assembly and is based on the ABA's Model Rule of Professional Conduct 6.1, which would clarify that all lawyers have a voluntary responsibility to provide pro bono legal services to those of limited means by donating 30 hours or 3 cases a year, and/or make a financial donation of \$300 to \$500 per year. The bar proposal was amended for publication to include a statement that pro bono services are voluntary and not enforceable through disciplinary proceedings.*

Status: Awaiting conference consideration following the Court's 1/26/11 public hearing.

6. 2010-21 **Subject:** Proposed Amendment of Rule 8.110 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendment of MCR 8.110 that would exclude cases that are stayed during interlocutory appeal from being included in the group of cases that a chief judge must report to the State Court Administrator that are delayed beyond the time guidelines.*
Status: Awaiting conference consideration following the Court's 1/26/11 public hearing.

Other Administrative Matters

7. 2002-37 **Subject:** Proposed Administrative Order for the Third Circuit Court to Implement E-filing Pilot Project.
Issue: *Whether to adopt an administrative order that would approve a pilot project to allow the Third Circuit Court to implement e-filing for asbestos cases and eventually all civil cases.*
Status: Awaiting conference consideration.
8. 2010-36 **Subject:** Proposed Amendment of MCR 3.705(B)(2).
Issue: *Whether the Court should publish for comment a proposal from the State Bar of Michigan Domestic Violence Committee to accommodate a recent statutory change relating to the rape shield provision.*
Status: Awaiting conference consideration.
9. 2010-17 **Subject:** Proposed Amendment of Rule 3.707 of the Michigan Court Rules.
Issue: *Whether to publish for comment a proposed amendment submitted by the Michigan Judges Association that would clarify that the reference to filing a motion to modify or terminate a PPO in MCR 3.707 should more properly refer to an ex parte PPO.*
Status: Awaiting conference consideration.